UNITED STATES PATENT AND TRADEMARK OFFICE

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ART UNIT	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _9/12/08_.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-27_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1-27_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

1.   This office action is in response to Applicant's amendment filed on September

12, 2008. Claims 1 and 16 are amended. Claims 1-27 are pending.

Response to Arguments

2.   Applicant's arguments September 12, 2008 have been considered but are moot

in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

1.   Claims 1-10, 12-24 and 26-27 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Bommareddy et al. (hereinafter Bommareddy) US Patent Number

6,880,089 in view of Tremain US Publication Number 2002/0069369.

As per claims 1 and 16:

Bommareddy a self-cleansing system comprising:

a) at least two subsystems, said at least two subsystems including an active

subsystem and at least one available inactive subsystem; (col. 15, lines 66-67)

b) a communications link connecting said at least two subsystems; (figure 8)

c) a local network capable of connecting said at least two subsystems to an external network; (figure 8)

d) an arbitration mechanism capable of designating one of said at least one available inactive subsystem to be a designated active system; (figure 8)

e) an IP address shared by at least said active subsystem and said designated active subsystem, only said active subsystem utilizing said IP address to output information to said external network; (col. 16, lines 4-13)

f) a transfer mechanism capable of:

i) deactivating said active subsystem, causing said active subsystem to become a deactivated subsystem; (col. 19, line 38-col. 22, line 39) and

ii) activating said designated active subsystem, causing said designated active subsystem to become said active subsystem; (col. 19, line 38-col. 22, line 39) and

g) a self-cleansing mechanism capable of cleansing said deactivated subsystem, causing said deactivated subsystem to become one of said at least one available inactive subsystem. (col. 19, line 38-col. 22, line 39)

Bommareddy does not explicitly disclose wherein the active system automatically assumed to have failed regardless whether said active subsystem actually has failed. Tremain in analogous art, however, discloses an intrusion detection that is automatically invoked for analysis, evasions or response process, for example to shut down or to tighten host or firewall security. The intrusion system can automatically scan for patterns which indicate the presence of malicious software activity. (page 10, pp. 136-137).

Therefore it would have been obvious to one ordinary skill in the art at the time the

invention was made to modify the system disclosed by Bommareddy with Tremain in

order to provide a system that detect, according to static, dynamic or heuristic rule sets,

whether one or more computers is being misused or subjected to a hostile attack.

(Tremain, page 10, pp. 137)

As per claims 2 and 17:

The combination of and Tremain teaches all the subject matter as discussed

above. In addition, Bommareddy further teaches a system wherein said arbitration

mechanism uses a criterion to select which of said at least one available inactive

subsystem is to be designated said designated active subsystem. (col. 19, line 38-col.

22, line 39)

As per claim 3:

The combination of and Tremain teaches all the subject matter as discussed

above. In addition, Bommareddy further teaches a system wherein said transfer

mechanism is activated by a transfer criterion. (col. 19, line 38-col. 22, line 39)

As per claim 4 and 18:

The combination of and Tremain teaches all the subject matter as discussed

above. In addition, Bommareddy further teaches a system wherein said transfer

criterion is a fault detection criterion. (col. 19, line 38-col. 22, line 39)

As per claims 5 and 19:

The combination of and Tremain teaches all the subject matter as discussed

above. In addition, Bommareddy further teaches a system wherein said transfer

criterion is an intrusion detection criterion. (col. 3, lines 35-37; col. 8, lines 52-60; col. 19, line 38-col. 22, line 39; col. 23, lines 61-67)

As per claim 6 and 20:

The combination of and Tremain teaches all the subject matter as discussed above. In addition, Bommareddy further teaches a system wherein said transfer criterion considers time. (col. 19, lines 1-4)

As per claim 7 and 21:

The combination of and Tremain teaches all the subject matter as discussed above. In addition, Bommareddy further teaches a system wherein at least two of said at least two subsystems are firewalls. (figure 1)

As per claim 8 and 22:

The combination of and Tremain teaches all the subject matter as discussed above. In addition, Bommareddy further teaches a system wherein at least two of said at least two subsystems are servers. (col. 3, lines 26-30)

As per claim 9 and 23:

The combination of and Tremain teaches all the subject matter as discussed above. In addition, Bommareddy further teaches a system wherein at least two of said at least two subsystems are gateways. (col. 4, lines 23-30)

As per claim 10 and 24:

The combination of and Tremain teaches all the subject matter as discussed above. In addition, Bommareddy further teaches a system further include integrity check

capability. (col. 3, lines 35-37; col. 8, lines 52-60; col. 19, line 38-col. 22, line 39; col. 23,

lines 61-67)

As per claim 12 and 26:

The combination of and Tremain teaches all the subject matter as discussed

above. In addition, Bommareddy further teaches a system wherein said self-cleansing

mechanism includes a capability to reboot at least one of said at least two subsystems.

(col. 19, line 38-col. 22, line 39)

As per claim 13:

The combination of and Tremain teaches all the subject matter as discussed

above. In addition, Bommareddy further teaches a system further including shared

storage accessible by at least two of said at least two subsystems. (col. 6, lines 36-41)

As per claim 14:

The combination of and Tremain teaches all the subject matter as discussed

above. In addition, Bommareddy further teaches a system wherein said

communications link is part of said local network. (figure 1)

As per claim 15 and 27:

The combination of and Tremain teaches all the subject matter as discussed

above. In addition, Bommareddy further teaches a system wherein said active

subsystem is a plurality of active subsystems. (col. 15, lines 66-67)

Claim Rejections - 35 USC § 103

2.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

3.   Claims 11 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Bommareddy et al. (hereinafter Bommareddy) US Patent Number 6,880,089 in

view of Tremain US Publication Number 2002/0069369 in view of Bunker, V et al.

(hereinafter Bunker) US Publication Number 2003/0028803.

As per claims 11 and 25:

        The combination of and Tremain teaches all the subject matter as discussed

above. Both references do not explicitly disclose a system including step of auditing

said system cleansing actions. Bunker in analogous art, however, discloses a system

including step of auditing said system cleansing actions. (page 8, paragraphs 115 and

121) Therefore it would have been obvious to one ordinary skill in the art to modify the

method disclosed by Bommareddy and Tremain with Bunker in order to have a system

that facilitates an assessment conducted by administrators. (page 8, paragraph 115;

Bunker)

Conclusion

        Applicant's amendment necessitated the new ground(s) of rejection presented in

this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37

CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to SHEWAYE GELAGAY whose telephone number is

(571)272-4219. The examiner can normally be reached on 8:00 am to 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Emmanuel Moise can be reached on 571-272-3865. The fax phone number

for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Shewaye Gelagay/
Examiner, Art Unit 2437

/Emmanuel L. Moise/
Supervisory Patent Examiner, Art Unit 2437